

FILED

JAN 31 2025

CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA
SAN JOSE OFFICE

Honorable Judge:

SUSAN VAN KEULEN

(CASE# 24-CV-08409-SVK)

(COURT ORDER First Amended Complaint)

Good Morning Judge:

I understand that I have to
prove the fact that CDCR has
violated my constitutional rights
and per "the 8th Amendment"

It's the Prison officials duties
to provide all inmates with the
adequate conditions of confinements
Dental, Medical, Housing, Safety and
most defiantly food - - - - -

But when Any inmate is
Housed in CDCR Regardless of the
Institution should be intitled to the
Proper Dental care and Medical care
So when I have filed this "42 USC
1983" on the grounds that "one"
the Dental staff and Dentist
J. Herzog, Has known since
The Beginning of "June. 2024" That
We Had a Serrious Dental Need
To Have Teeth Extracted from
My Mouth - But "Due To the
Medication Allergy To Lidocaine"

1 They Have Trouble providing me
2 with Adequate Dental care To
3 Get Teeth extracted, when I
4 was In Tehachapi State prison
5 ON CDCR# AV-1762 They Had To
6 send me to the Hospital To
7 get An Oral Surgery Due to
8 Medical Allergy and child Hood
9 Trauma/ Seizure Disorder,

10 So By these Dental Staff
11 failing to provide me Adequate
12 Dental care while causing me
13 excruciating Pains when I
14 try to chew food On the Grounds
15 Dental Has neglected my
16 Medical Needs So Im Asking
17 for the Court to Assign me
18 Legal Counsel To Represent
19 me on this case matter
20 please and Thank you Judge.

21
22 (22) Dentist J. Herzog & The Dental Assistance
23 Here at Pelican Bay State prison Have
24 failed to provide me Adequate Dental
25 care in which is why Ive filed this
26 42 USC 1983" for Failure To provide
27 me Adequate Dental care knowing
28 about my Medical/ Medication Allergy
and He failed To treat my Dental

care while Housed Here in Pelican Bay State prison,

Due To I Have A Medical Allergy To Lidocaine and a serious Medical Need for Teeth To Be Extracted for the Decaying Teeth are causing me Escruciating Dental pains

Hunt .V. Dental Dept.

865 F2d. 198, 200-01 (9th circ. 1989)

what would exast Remedy of Cognizable Relief:

For "CDCR" Pelican Bay" failing to provide me Adequate Dental Care And Violating My 8th Amend-The Plaintiff named As the defendants:

① warden-S. Smith

② CEO — K. Minor

③ CSE — J. DARK

④ Dentist — J. Herzog

And I Request The Honorable Judge Susan Van. Keulen of The United States District Court of SAN JOSE, CA

Appoint me Legal Counsel on the matter at Hand And Inwhich I seek from

Relief:

I Need to Have my Teeth
in which are Decayed and Roots
Exposed/cracked teeth in which
are and Have Been causing
me Emotional and physical
Torment By failure to fix
the Affected Dental Pains,
I Seek Monetary Relief
from CDCR failure to provide
Adequate Dental Care

Thank You.

Respectfully Submit.

Joshua Fordyce #BM7760
- AKA -
Brittany Fordyce
- PRSP -

21) The Dietion's NAME:
Brian:

Ive Attached paper work
which clearly shows that CDCR
knowingly knew about my
injury and clearly didnt take
inititive to provide "extraction"
of Teeth which causes me
pain and suffering so Im

Requesting Legal-Aide to properly Represent Me per my civil Rights were Violated and these Prison Employee's Knew about my Injury's which Cause me Escrushing Pains.

① The Reason why I've put The Name of the PBSP warden S. Smith is Because He's in Charge of Ensuring Every ONES Civil Rights are NOT Violated AS He is The Head ~~ENF~~ ENFORCER, of the PBSP Instution.

② Chief Executive Officer:

Katy Minor

→ Due for the fact shes is The Chelf Medical Excutive Employee of pelican Bay who Employee's All Medical and Dental Employees.

So when dealing with the chain of command and when "Dental" fail to provide Adequate conditions of confinements By Malicious Negligence OR practice when I AM AN Inmate who's Been

Housed Here in Pelican Bay
State Prison for over 6 Months
And neglecting to provide me
with Adequate Dental care
Is Violation of my 8th
Amendment of the Constitution
Because - PBSP Neglects To
provide Adequate Dental care
To me when I'm Allergic
To the Numbing Medication
Lido'caine

③ Dentist Joseph Herzog "PBSP"
Has Neglected to work on
my teeth which are causing
me excruciating Pains when
chewing up food and causing
me Torment Excruciating
Pains Because they knew
that the pain was non-stop -
Trobbling causing me Emotional
Stress as well as physical
Torment.

so,

I Request A Cognizable
Relief:

for PBSP, To Send me To
The Hospital To undergo The
Oral Surgery for my Teeth
To Be extracted while under

1 A medically sedation "Sleep"
2 while they Extract The Decaying
3 Teeth causing emotional And
4 physical Torture which Radiates
5 Pain Thru-out my entire Mouth
6 And I seek for them
7 violating "My Constitutional Rights"
8 I seek Relief from Immunity
9 Monetary Relief.

10
11 Thank you.

12 Sincerely

13
14
15 Brittany Fordyce
16 TRANSGENDER

17
18 Joshua Fordyce #BM7760
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RC Initial Medical History and Physical

FORDYCE, JOSHUA AARON - BM7760

Activity as Tolerated
Admit to
Vital Signs
Wired Jaw

Current Occasional, Methamphetamines, IV
drug use: Yes. Drug use interferes with
work/home: Yes. Ready to change: Yes.

Family History

Bipolar disorder: Mother.
Criminality: Father.
Drug abuse: Mother and Father.
Psychosis: Father.
Suicidal behavior: Mother.

Immunizations

Event Name	Event Result	Date/Time
hepatitis A adult vaccine	0 unknown unit	01/18/02 04:00:00
measles/mumps/rubella virus vaccine	0 unknown unit	08/26/94 05:00:00
measles/mumps/rubella virus vaccine	0 unknown unit	03/13/90 04:00:00
varicella virus vaccine	0 unknown unit	06/29/99 05:00:00

1) Mandibular Fracture
Keep in CTC for special diet
Start wired jaw diet
Tylenol 650 mg TID prn pain

2) H/O Seizures
Inmate refused to take Keppra which he came with.
Agreed to take Dilantin susp 125 mg TID
Dilantin level 4/22/24.
CBC, CMP 4/22/24.
Reception labs

3) Mild intermittent Asthma, stable
Resume Xopenex

Advance directive discussed with I/P who opted for full resuscitation.

Encounter Info: Patient Name: JOSHUA FORDYCE, DOB: 01/13/1989, CDCR: BM7760, FIN: 115646, Facility: WSP, Encounter Type: Inpatient Medical

Completed Action List:

- * Perform by Montegrando, Faye P&S on April 19, 2024 15:56 PDT
- * Sign by Montegrando, Faye P&S on April 19, 2024 15:56 PDT
- * VERIFY by Montegrando, Faye P&S on April 19, 2024 15:56 PDT

Result type: RC Initial Medical History and Physical
Result date: April 19, 2024 15:18 PDT
Result status: Auth (Verified)
Result title: Admission H & P
Performed by: Montegrando, Faye P&S on April 19, 2024 15:56 PDT
Verified by: Montegrando, Faye P&S on April 19, 2024 15:56 PDT

Printed by: Ramirez, Rene RN
Printed on: 1/27/2025 14:44 PST

RC Initial Medical History and Physical

FORDYCE, JOSHUA AARON - BM7760

History of Present Illness

35-year-old male inmate brought to CTC for wired jaw diet. He was involved in a fight while in County jail on 3/26/2024.

He just arrived in R&R today from County jail. He stated he was seen at Kern Medical Center shortly after the incident but no oral surgeon had seen him.

He was seen today at the dental clinic and was found to have mandibular fracture. According to dentist, Dr. Moussa his mandible was fractured in 4- 5 different areas.

He has history of seizures and he stated that his last seizure was about a month ago. He came in with Keppra 1000 mg twice a day prescribed to him at County Jail, but now he stated that he is refusing to take Keppra stating that he must take Keppra along with gabapentin for his seizures. Records show that he was on Dilantin up to 2016, ER 400 mg daily.

Inmate stated he had been refusing Keppra at County Jail. No record available from County jail at all to this effect.

History of hepatitis since 2016 C but never treated.

States he has asthma but cannot recall when his last attack was.

C/O mild jaw pain. He had been eating regular food at County Jail.

Review of Systems

Constitutional: no weight loss, no weakness, no malaise, no fever, no chills
HEENT/Neck: no visual or hearing symptoms, no nasal congestion, no throat pain

Respiratory: no cough, no wheezing, no chest pain, no pleuritic pain

Cardiovascular: no chest pain, no shortness of breath, no palpitation

Gastrointestinal: no heartburn, no nausea, no vomiting, no diarrhea, no constipation

Genitourinary: no urinary burning, no frequency, no hematuria

Musculoskeletal: no weakness, no paralysis

Neurological: no weakness, no numbness

Physical Exam**Vitals & Measurements**

T: 36.4 °C (Infrared) HR: 78 (Peripheral) RR: 18 BP: 132/91

WT: 72.1 kg WT: 72.1 kg (Dosing)

General: Well developed, Well nourished, Ambulatory with normal gait

HEENT: No scleral icterus, normal oral mucosa, no noticeable facial swelling, very minimal tenderness along

Neck: no jugular venous distention

HEART: Regular rhythm. no murmurs, no clicks, no gallops

LUNGS: clear bilaterally, no wheezing

ABDOMEN: no distention

EXTREMITIES: no pedal edema

NEUROLOGICAL: no motor or sensory deficit.

Assessment/Plan

Orders:

Problem List/Past Medical History**Ongoing**

Antisocial personality disorder

Asthma

Borderline personality disorder

Difficulty chewing

Generalized anxiety disorder

Hepatitis C

Unspecified opioid-related disorder

Unspecified schizophrenia spectrum and other psychotic disorder

Historical

No qualifying data

Medications**Inpatient**

levETIRAcetam, 1000 mg= 1 tab, Oral, BIDAM+PM

levETIRAcetam, 1000 mg= 1 tab, Oral, BIDAM+PM

traMADol, 50 mg= 1 tab, Oral, BIDAM+PM, PRN

Tylenol, 650 mg= 2 tab, Oral, TID, PRN

Home

No active home medications

Allergies

ARIPiprazole

Lidocaine Viscous

Wool (Rash)

codeine

lidocaine topical

Social History**Alcohol**

Former, Beer, Liquor

Employment/School

Previous employment/school: Inconsistent Employment. Highest education level: High school. Behavioral Problems in School Yes.

Special Education Classes Learning/Reading Disability, Dyslexia. Work History Rarely.

Sexual

History of sexual abuse: No. Orientation Bisexual.

Substance Abuse

Result type: RC Initial Medical History and Physical
Result date: April 19, 2024 15:18 PDT
Result status: Auth (Verified)
Result title: Admission H & P
Performed by: Montegrande, Faye P&S on April 19, 2024 15:56 PDT
Verified by: Montegrande, Faye P&S on April 19, 2024 15:56 PDT

Printed by: Ramirez, Rene RN
Printed on: 1/27/2025 14:44 PST

ORDER SHEET

Order Entry D/T: 01/23/25 14:26 PST

Orders Entered By: Michael Yeh, Telemed P&S
Ordering Dr: Michael Yeh, Telemed P&S

D Diet Inpatient/Outpatient Other Diet

11/01/24 19:22:00 PDT, Dinner, Soft and Bite Sized, vegetarian, Constant Indicator

Order comments: per dental 10/18/24

Please issue a soft food diet order--with no expiration date-- for pt. Fordyce.

Pt Fordyce has multiple severely decayed teeth and a hx of mandibular fracture.

He has a chief complaint of chewing difficulty. He will see the PBSP Oral Surgeon for extractions in approx 45 days.

O Diet Inpatient/Outpatient Other Diet

01/23/25 14:25:00 PST, Dinner, Pureed, vegetarian, Constant Indicator

Order comments: per dietician 1/23/25 start puree diet. "Resume regular texture CDCR standard diet s/p oral surgery"

per dental 10/18/24

Please issue a soft food diet order--with no expiration date-- for pt. Fordyce.

Pt Fordyce has multiple severely decayed teeth and a hx of mandibular fracture.

He has a chief complaint of chewing difficulty. He will see the PBSP Oral Surgeon for extractions (see patient chart for more information)

Pt. Name: FORDYCE, JOSHUA AARON
D.O.B./Sex: 01/13/1989 M
Med Rec #: BM7760
Physician:
Financial #: 10000003311639526BM7
Pt. Type: I
Room/Bed: 115 /115001L
Admit/Disch: 05/29/2024 PDT
- 00/00/00

Order Sheet

Print ID: Kubicek, Marian LVN
Print Date/Time: 01/24/25 11:08 PST

ORDER SHEET

Order Entry D/T: 01/23/25 14:25 PST

Orders Entered By: Michael Yeh, Telemed P&S
Ordering Dr: Michael Yeh, Telemed P&S

O LNS

01/23/25 14:25:00 PST, 3, 60, day, 03/24/25 15:24:00 PDT, Constant Indicator

Order comments: per dietician consult 1/23/25

Pt. Name: FORDYCE, JOSHUA AARON
D.O.B./Sex: 01/13/1989 M
Med Rec #: BM7760
Physician:
Financial #: 10000003311639526BM7
Pt. Type: I
Room/Bed: 115 /115001L
Admit/Disch: 05/29/2024 PDT
- 00/00/00

Order Sheet

Print ID: Kubicek, Marian LVN
Print Date/Time: 01/24/25 11:07 PST

Page 1 of 1

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

DENTIST'S WRITTEN RESPONSE

NAME: (Last, First, MI) FORDYCE, JOSHUA, A.	CDC #: BM7760	HOUSING: PBSP-D 001 1-115001L	INSTITUTION ACRONYM: PBSP
<p>The Dental Department received your 7362 for Dental Services.</p> <p>Your request for a renewal of your LNS has been received. Your dental chart was reviewed. Per CDCR policy, your long-term nutritional needs are to be assessed by a Registered Dietician (RD). I will refer you for a consultation with the RD, who will determine if LNS or another type of modified texture diet will fulfill your dietary requirements.</p> <p style="text-align: right;">Dr. Phang _____ Dentist's Name</p>			
<p>DATE 1/7/2025</p> <p>Distribution: Original – Inmate.</p>			

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

GRIEVANCE / REASONABLE ACCOMMODATION REQUEST

CDCR FORM 602-1 / 1824 (Rev. 08/2024)

Page 1 of 2

NAME (Print)	(LAST NAME)	(FIRST NAME)	CDCR NUMBER
FORDYCE		J	3M7760
INSTITUTION OR PAROLE REGION			HOUSING AND BED NUMBER
PBSP			9-115-D1

*** YOU CAN NOW FILE A GRIEVANCE OR REQUEST A REASONABLE ACCOMMODATION BY COMPLETING THIS FORM ***

If you are submitting a grievance, an allegation of staff misconduct, or an allegation of disability-based discrimination, please complete the section below and sign and date the form.

GRIEVANCE (CDCR FORM 602-1)

Please describe your complaint. Include the names of all those who were involved; any attempts to informally resolve the issue; and any related log numbers for documents in your central file.

Date of Event, if known: 1-13-25 Time of Event, if known: 7:00 AM

Location of Event, if known: PBSP - Kitchen

Describe your complaint: Today Jan. 13. 2025 My LNS Drinks RAN out. They told me I have to speak to medical about my LNS diet. Which I have spoken to medical and they've stated they have received my renewal request. I am still having excruciating pains in my mouth when chewing hard foods and I saw the

If you need more space, continue on the back of this form

If you are requesting assistance or an accommodation so you can access or participate in a program, service, or activity, or want to report the removal or denial of an accommodation due to disability-based discrimination, please complete the section below and sign and date the form.

REASONABLE ACCOMMODATION REQUEST (CDCR FORM 1824)

Please answer the following questions:

- What can't you do / What is the problem?
The problem is "my LNS Diet" expired and I am still having all of the same issues in regards to chewing food etc.
- Why can't you do it?
Because of having several decaying teeth and childhood trauma from dental "PTSD"
- What do you need?
my LNS Diet to be re-issued please

If you need more space, continue on the back of this form

Your Signature: FordyceDate Signed: 1/13/2025

STAFF USE ONLY

JAN 14 2025

Date Received: _____

Log Number: 1081842

GRIEVANCE OFFICE

STATE OF CALIFORNIA

GRIEVANCE / REASONABLE ACCOMMODATION REQUEST

CDCR FORM 602-1 / 1824 (Rev. 08/2024)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Page 2 of 2

Use this side of the form as a continuation page for a grievance, a reasonable accommodation request, or both

"RD" Register Dietition-MR. Brian, who knows ABOUT my Issue in Regards to Having A Serrious Dental Issue And childhood Trauma caused "PTSD" when Dealing with The Dentist, please Refill "My LNS Diet"

Thank you.

Jordyce Britton
#BM 7760

DI-115 - PBSP

The RD - MR. BRIAN said if Theyre WAS Any issue TO contact Him

OR - MS. ~~Seport~~


GEP Hert

+ Add  |  Sign

List **Dental Note** X

▲ Hide Note Details

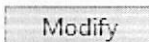
*Type: Dental Oral/Surgery Progress Note ▼

*Author: Herzog, Joe Dentist 

*Date: 05/30/2024 ▲ ▼ 0000 ▲ ▼ PDT

Status: Auth (Verified)

Subject: Dental Note

Associated Providers: Contributor_system, DENTRIX - Sign 

*Editor:

Dental Note

— Thursday, May 30, 2024 at 1:59:46 PM —

— Provider: DRJHERZOG - Joseph Herzog, DDS — Clinic: PBSP_B —

Received 7362 signed on 5/30/2024. PRC O.

CC: "LNS due to fractured jaw." writes the pt.

Reviewed the pt's med hx, dental tx hx and xays.

Chart review shows the pt had a mandibular fx on 3/26/2024 and refused to go to the oral surgeon

for tx.

Deemed PRC O.

NV: F/F Triage.

DRJHERZOG selected Skip DPC button for DPC update

— Signed on Thursday, May 30, 2024 at 2:01:56 PM —

— Provider: DRJHERZOG - Joseph Herzog, DDS — Clinic: PBSP_B —

*Insert Addendum Here: